

**Remarks:**

In response to the Restriction Requirement dated July 30, 2009, Applicants hereby elect without traverse Group I (claims 1 to 14 and 17 to 18) drawn to methods of treating or preventing the recited diseases, or inhibiting apoptosis, by administering a CCR5 antagonist antibody.

In addition, Applicants elect COPD (species A) for prosecution.

Applicants submit that claims 1 to 14, 17 and 19 read on the elected invention.

Applicants have amended claim 5 to read on the elected invention. In addition, Applicants have amended claim 17 to only recite one of two COPD and added new claim 19 to recite the other COPD. No new matter has been added.

Applicants reserve the right to file a divisional application directed to all subject matter determined to be non-elected.

It is respectfully submitted that all claims are now in condition for allowance, early notice of which would be appreciated. Should the Examiner disagree, Applicants respectfully request a telephonic or in-person interview with the undersigned attorney to discuss any remaining issues and to expedite the eventual allowance of the claims.

**Except** for issue fees payable under 37 C.F.R. 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account No. 50-0310. This paragraph is intended to be a **Constructive Petition for Extension of Time** in accordance with 37 C.F.R. 1.136(a)(3).

Dated: **November 17, 2009**  
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Respectfully submitted  
**Morgan, Lewis & Bockius LLP**

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